



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 04 2009

Alan Mills, Treasurer
Myers for Congress 2008 Committee
1 North Illinois Street
Ste 2101
Indianapolis, IN 46204

RE: MUR 6185

Dear Mr. Mills:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting that Myers for Congress 2008 Committee ("Committee") and you, in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On April 21, 2009, the Commission found reason to believe that the Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(b), a provision of the Act. Enclosed is the Factual and Legal Analysis that sets forth the basis for the Commission's determination.

We have also enclosed a brief description of the Commission's procedures for handling possible violations of the Act. In addition, please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519. In the meantime, this matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.


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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Designation of Counsel form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

We look forward to your response.

On behalf of the Commission,


Steven T. Walther
Chairman

Enclosures
Factual and Legal Analysis

cc: candidate

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENTS: Myers for Congress 2008 Committee MUR 6185**
4 **and Alan Mills, in his official capacity**
5 **as treasurer**
6

7 **I. INTRODUCTION**

8 This matter was generated based on information ascertained by the Federal Election
9 Commission ("the Commission") in the normal course of carrying out its supervisory
10 responsibilities. See 2 U.S.C. § 437g(a)(2). Based on a review of the relevant disclosure reports
11 on file with the Commission and other available information, the Commission finds reason to
12 believe that Myers for Congress 2008 Committee and Alan Mills, in his official capacity as
13 treasurer, (the "Committee") violated 2 U.S.C. § 434(b) by failing to accurately report the
14 receipts and disbursements in its 2008 12 Day Pre-Primary Report.

15 **II. FACTUAL SUMMARY**

16 Myers for Congress 2008 Committee is the principal campaign committee of
17 Dr. Woodrow Myers, a candidate in the 2007-2008 election cycle for Indiana's 7th Congressional
18 District. On April 23, 2008, the Committee filed its original 2008 12 Day Pre-Primary Report
19 disclosing \$2,205 in receipts and \$232,251.31 in disbursements. On July 15, 2008, the
20 Committee filed an amended 12 Day Pre-Primary Report disclosing \$265,390 in receipts and
21 \$525,923.36 in disbursements. Two days later, on July 17, 2008, the Commission's Reports
22 Analysis Division ("RAD") analyst assigned to the Committee told the Committee's counsel
23 during a telephone conversation that the amended 2008 12 Day Pre-Primary Report showed a
24 substantial increase in financial activity for that reporting period. The Committee's counsel
25 stated that a former employee had not reported all of the financial activity for the reporting

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1 period, and that the Committee has since hired a new staff member who corrected the reports.
2 On July 31, 2008, RAD sent a Request For Additional Information ("RFAI") to the Committee
3 inquiring, among other things, about the increased activity that was not disclosed on the
4 Committee's original 2008 12 Day Pre-Primary Report. The Committee's counsel responded to
5 the RFAI on August 19, 2008. In his response, counsel explained that the former employee
6 failed to include in the original 2008 12 Day Pre-Primary Report two candidate contributions,
7 totaling \$263,185, and several disbursements. Counsel further stated that the Committee
8 replaced the staff member responsible for these errors with a new employee who reviewed the
9 contributions and disbursements for the Pre-Primary reporting period and updated the
10 Committee's disclosure database to accurately reflect the previously unrecorded transactions.

11 **III. LEGAL ANALYSIS**

12 The treasurer of a political committee must file reports of all disbursements in accordance
13 with the Act. 2 U.S.C. § 434(a). Such reports shall disclose the total amount of all receipts and
14 disbursements for that reporting period and calendar year. 2 U.S.C. § 434(b). The Committee
15 did not comply with this reporting requirement when it failed to disclose \$263,185 in receipts
16 and \$293,672.05 in disbursements on its original 2008 12 Day Pre-Primary report. Therefore,
17 there is reason to believe that the Myers for Congress 2008 Committee and Alan Mills, in his
18 official capacity as treasurer, violated 2 U.S.C. § 434(b).

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